

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 21 and 22, begin a new paragraph and insert:
2 "SECTION 2. IC 12-7-2-28, AS AMENDED BY P.L.34-2001,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 28. "Child" means the following:
5 (1) For purposes of IC 12-13-15, the meaning set forth in
6 IC 12-13-15-1.
7 (2) **For purposes of IC 12-13-15.1, the meaning set forth in**
8 **IC 12-13-15.1-1.**
9 (3) For purposes of IC 12-17.2 and IC 12-17.4, an individual who
10 is less than eighteen (18) years of age.
11 ~~(3)~~ (4) For purposes of IC 12-26, the meaning set forth in
12 IC 31-9-2-13(d).
13 SECTION 3. IC 12-7-2-76.7, AS ADDED BY P.L.34-2001,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2004]: Sec. 76.7. (a) "Emergency medical services", for
16 purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-2.
17 (b) **"Emergency medical services", for purposes of**
18 **IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-2.**
19 SECTION 4. IC 12-7-2-124.5, AS ADDED BY P.L.34-2001,

SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 124.5. **(a) "Local child fatality review team", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-3.**

(b) "Local child fatality review team", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-3.

SECTION 5. IC 12-7-2-129.5, AS ADDED BY P.L.34-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 129.5. **(a) "Mental health provider", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-4.**

(b) "Mental health provider", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-4.

SECTION 6. IC 12-7-2-186.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 186.5. **"Statewide child fatality review committee", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-5.**

SECTION 7. IC 12-13-15-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.5. **A local child fatality review team may request that the statewide child fatality review committee make a fatality review of a child from the area served by the local child fatality review team if a majority of the members of a local child fatality review team vote to make the request.**

SECTION 8. IC 12-13-15.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 15.1. Statewide Child Fatality Review Committee

Sec. 1. As used in this chapter, "child" means an individual less than eighteen (18) years of age.

Sec. 2. As used in this chapter, "emergency medical services" means emergency ambulance services or other services, including extrication and rescue services, provided to an individual in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team

1 established under IC 12-13-15.

2 Sec. 4. As used in this chapter, "mental health provider"
3 means any of the following:

- 4 (1) A registered nurse or licensed practical nurse licensed
5 under IC 25-23.
- 6 (2) A clinical social worker licensed under IC 25-23.6-5.
- 7 (3) A marriage and family therapist licensed under
8 IC 25-23.6-8.
- 9 (4) A psychologist licensed under IC 25-33.
- 10 (5) A school psychologist licensed by the Indiana state board
11 of education.

12 Sec. 5. As used in this chapter, "statewide child fatality review
13 committee" refers to the statewide child fatality review committee
14 established by section 6 of this chapter.

15 Sec. 6. (a) The statewide child fatality review committee is
16 established for the purpose of reviewing a child's death that is:

- 17 (1) sudden;
- 18 (2) unexpected; or
- 19 (3) unexplained;

20 if the county where the child died does not have a local child
21 fatality review team or if the local child fatality review team
22 requests a review of the child's death by the statewide committee.

23 (b) The statewide child fatality review committee may also
24 review the death of a child upon request by an individual.

25 (c) A request submitted under subsection (b) must set forth:

- 26 (1) the name of the child;
- 27 (2) the age of the child;
- 28 (3) the county where the child died or where the near fatality
29 occurred;
- 30 (4) whether a local child fatality review team reviewed the
31 death; and
- 32 (5) the cause of death of the deceased child.

33 Sec. 7. A child fatality review conducted by the statewide child
34 fatality review committee under this chapter shall consist of
35 determining:

- 1 (1) whether similar future deaths could be prevented; and
2 (2) agencies or resources that should be involved to
3 adequately prevent future deaths of children.

4 **Sec. 8. The statewide child fatality review committee consists**
5 **of the following members appointed by the governor:**

- 6 (1) a coroner or deputy coroner;
7 (2) a representative from:
8 (A) the state department of health established by
9 IC 16-19-1-1;
10 (B) a local health department established under
11 IC 16-20-2; or
12 (C) a multiple county health department established
13 under IC 16-20-3;
14 (3) a pediatrician;
15 (4) a representative of law enforcement;
16 (5) a representative from an emergency medical services
17 provider;
18 (6) a director of an office of family and children;
19 (7) a representative of a prosecuting attorney;
20 (8) a pathologist with forensic experience who is licensed to
21 practice medicine in Indiana;
22 (9) a mental health provider;
23 (10) a representative of a child abuse prevention program;
24 and
25 (11) a representative of the department of education.

26 **Sec. 9. (a) The chairperson of the statewide child fatality review**
27 **committee shall be selected by the governor.**

28 **(b) The statewide child fatality review committee shall meet at**
29 **the call of the chairperson.**

30 **(c) The statewide child fatality review committee chairperson**
31 **shall determine the agenda for each meeting.**

32 **Sec. 10. (a) Except as provided in subsection (b), meetings of**
33 **the statewide child fatality review committee are open to the**
34 **public.**

35 **(b) Except as provided in subsection (d), a meeting of the**

1 statewide child fatality review committee that involves:

2 (1) confidential records; or

3 (2) identifying information regarding the death of a child that
4 is confidential under state or federal law;

5 shall be held as an executive session.

6 (c) If a meeting is held as an executive session under
7 subsection (b), each individual who:

8 (1) attends the meeting; and

9 (2) is not a member of the statewide child fatality review
10 committee;

11 shall sign a confidentiality statement prepared by the division. The
12 statewide child fatality review committee shall keep all
13 confidentiality statements signed under this subsection.

14 (d) A majority of the members of the statewide child fatality
15 review committee may vote to disclose any report or part of a
16 report regarding a fatality review to the public if the information
17 is in the general public interest as determined by the statewide
18 child fatality review committee.

19 Sec. 11. Members of the statewide child fatality review
20 committee and individuals who attend a meeting of the statewide
21 child fatality review team as an invitee of the chairperson:

22 (1) may discuss among themselves confidential matters that
23 are before the statewide child fatality review committee;

24 (2) are bound by all applicable laws regarding the
25 confidentiality of matters reviewed by the statewide child
26 fatality review committee; and

27 (3) except when acting:

28 (A) with malice;

29 (B) in bad faith; or

30 (C) with gross negligence;

31 are immune from any civil or criminal liability that might
32 otherwise be imposed as a result of communicating among
33 themselves about confidential matters that are before the
34 statewide child fatality review committee.

35 Sec. 12. The division shall provide training to the statewide

1 child fatality review committee.

2 **Sec. 13. (a) The division shall collect and document information**
 3 **surrounding the deaths of children reviewed by the statewide child**
 4 **fatality review committee. The division shall develop a data**
 5 **collection form that includes:**

- 6 (1) identifying and nonidentifying information;
- 7 (2) information regarding the circumstances surrounding a
- 8 death;
- 9 (3) factors contributing to a death; and
- 10 (4) findings and recommendations.

11 **(b) The data collection form developed under this section must**
 12 **also be provided to:**

- 13 (1) the appropriate community child protection team
- 14 established under IC 31-33-3; and
- 15 (2) the appropriate:
 - 16 (A) local health department established under IC 16-20-2;
 - 17 or
 - 18 (B) multiple county health department established under
 - 19 IC 16-20-3.

20 **Sec. 14. The affirmative votes of the voting members of a**
 21 **majority of the statewide child fatality review committee are**
 22 **required for the committee to take action on any measure.**

23 **Sec. 15. The expenses of the statewide child fatality review**
 24 **committee shall be paid from funds appropriated to the division.**

25 **Sec. 16. The testimony of a member of the statewide child**
 26 **fatality review committee is not admissible as evidence concerning**
 27 **an investigation by the statewide child fatality review committee."**

28 Page 6, between lines 14 and 15, begin a new paragraph and insert:

29 "SECTION 9. IC 31-33-18-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. **(a) Except as**
 31 **provided in subsection (b), the following are confidential:**

- 32 (1) Reports made under this article (or IC 31-6-11 before its
- 33 repeal).
- 34 (2) Any other information obtained, reports written, or
- 35 photographs taken concerning the reports in the possession of:

- 1 (A) the division of family and children;
- 2 (B) the county office of family and children; or
- 3 (C) the local child protection service.

4 **(b) Except as provided in subsection (c), all records held by:**

- 5 **(1) the division of family and children;**
- 6 **(2) a county office of family and children;**
- 7 **(3) a local child protection service;**
- 8 **(4) a local child fatality review team established under**
- 9 **IC 12-13-15; or**
- 10 **(5) the statewide child fatality review committee established**
- 11 **under IC 12-13-15.1-6;**

12 **regarding the death of a child determined to be a result of abuse,**
13 **abandonment, or neglect are not confidential and shall be**
14 **disclosed to any person who requests the information if the record**
15 **has been redacted to remove information not directly relevant to**
16 **the death. The person requesting the information may be required**
17 **to pay the reasonable expenses of redacting the record. Any**
18 **information in a report that is otherwise confidential under state**
19 **or federal law shall not be released.**

20 **(c) The entity releasing a redacted record described in**
21 **subsection (b) shall certify in writing that the record has been**
22 **redacted to remove information not directly relevant to the death.**

23 **(d) A person who believes that a record has been improperly**
24 **redacted may file a written request for review of the record with**
25 **a court exercising juvenile jurisdiction in the county in which the**
26 **fatality occurred. Within thirty (30) days after receiving a written**
27 **request for review, the court shall appoint a disinterested person**
28 **having expertise in the area of juvenile and family law to review**
29 **the record and determine whether the record has been properly**
30 **redacted. If the records has not been properly redacted, the**
31 **disinterested person shall properly redact the record.**

32 **(e) The court that appointed the disinterested person shall**
33 **determine reasonable compensation for the disinterested person**
34 **and order the person requesting the record review to pay this**
35 **amount to the disinterested person. However, if the court finds**

1 that the entity that redacted the record did not redact the record
 2 in good faith, or was grossly negligent in redacting the record, the
 3 court may order the entity that redacted the record to pay some
 4 or all of the compensation to the disinterested person."

5 Page 6, line 17, strike "section 1" and insert "**section 1(a)**".

6 Page 8, between lines 4 and 5, begin a new line single block indented
 7 and insert:

8 "**(16) A local child fatality review team established under**
 9 **IC 12-13-15-6.**

10 **(17) The statewide child fatality review committee established**
 11 **by IC 12-13-15.1-6.**

12 SECTION 11. IC 31-33-22-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a)** An individual who
 14 ~~(1) knowingly requests, obtains, or seeks to obtain child abuse or~~
 15 ~~neglect information under false pretenses or~~
 16 ~~(2) knowingly falsifies child abuse or neglect information or~~
 17 ~~records;~~

18 commits a Class B misdemeanor.

19 **(b) A person who knowingly or intentionally:**

20 **(1) falsifies child abuse or neglect information or records; or**

21 **(2) obstructs or interferes with a child abuse investigation,**
 22 **including an investigation conducted by a local child fatality**
 23 **review team or the statewide child fatality review committee;**

24 **commits obstruction of a child abuse investigation, a Class A**
 25 **misdemeanor."**

26 Page 15, line 38 delete "6(b)(D)" and insert "**6(b)(2)(D)**".

27 Page 15, line 39, delete "6(b)(E)" and insert "**6(b)(2)(E)**".

28 Page 15, line 42, delete "6(b)(D)," and insert "**6(b)(2)(D),**".

29 Page 16, line 1, delete "6(b)(E)" and insert "**6(b)(2)(E)**".

30 Page 16, line 3, delete "6(b)(D), or 6(b)(E)" and insert "**6(b)(2)(D),**
 31 **or 6(b)(2)(E)**".

32 Page 16, between lines 24 and 25, begin a new paragraph and insert:

33 "SECTION 20. IC 31-37-19-17.4 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2004]: Sec. 17.4. **(a) This section applies if a child is a**
 36 **delinquent child under IC 31-37-1 due to the commission of a**

1 delinquent act that, if committed by an adult, would be a sex crime
2 listed in IC 35-38-1-7.1(e).

3 (b) The juvenile court may, in addition to any other order or
4 decree the court makes under this chapter, order:

5 (1) the child; and

6 (2) the child's parent or guardian;

7 to receive psychological counseling as directed by the court.".

8 Page 16, after line 35, begin a new paragraph and insert:

9 "SECTION 22. IC 34-30-2-44.1 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2004]: **Sec. 44.1. IC 12-13-15.1-11 (Concerning members
12 of the statewide child fatality reviewcommittee and persons who
13 attend a meeting of the statewide child fatality review committee
14 as invitees of the chairperson).**".

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1194 as reprinted February 5, 2004.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Long

Chairperson